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May 20, 2019

VIA ECF

The Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Re: *Contant, et al. v. Bank of Am. Corp., et al.*,
No. 17 Civ. 3139 (LGS) (S.D.N.Y.)

Dear Judge Schofield:

Pursuant to this Court's November 16, 2018 Order (ECF No. 176), the parties write to update the Court on the status of the above-captioned action.

Pleadings

On December 20, 2018, defendants Barclays Bank PLC; UBS AG; The Royal Bank of Scotland plc; Credit Suisse Group AG; Société Générale; HSBC Bank plc; MUFG Bank, Ltd.; Standard Chartered Bank; and BNP Paribas Group (collectively, "Foreign Defendants") jointly moved to dismiss plaintiffs' Second Consolidated Class Action Complaint ("SCCAC") (ECF No. 183) for lack of personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2), which UBS Group AG joined. (ECF Nos. 197-200.) Plaintiffs filed their opposition (ECF Nos. 219-220) and supplemental letter (ECF No. 221) on January 28 and 31, 2019, respectively. Counsel for Defendant Credit Suisse Group AG contacted plaintiffs' counsel on February 15, 2019 to discuss voluntary dismissal of Credit Suisse Group AG. Foreign Defendants filed their reply on February 19, 2019. (ECF No. 228.) On that same day, plaintiffs voluntarily dismissed without prejudice Credit Suisse Group AG from the action. (ECF No. 226.) On May 17, 2019, this Court granted the Foreign Defendants' motion to dismiss as to MUFG Bank, Ltd., The Royal Bank of Scotland plc, Société Générale, and UBS Group AG, but denied the motion as to the remaining Foreign Defendants. (*See* ECF No. 263.)

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Non-Foreign Defendants’¹ answers were filed on January 11, 2019. (See ECF Nos. 205-216.)

Discovery

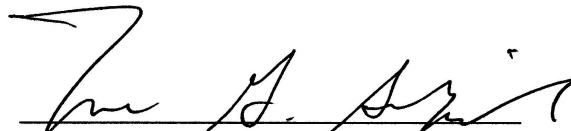
Plaintiffs and Non-Foreign Defendants exchanged initial disclosures on February 11, 2019. Discovery was stayed as to Foreign Defendants until the Court’s ruling on their joint Rule 12(b)(2) motion to dismiss. Initial requests to and from the Foreign Defendants who remain in this case—Barclays Bank PLC; BNP Paribas Group; HSBC Bank plc; Standard Chartered Bank; and UBS AG—may be served 14 days from that ruling. (See ECF No. 176.)

Pursuant to this Court’s November 16, 2018 Order (ECF No. 176), Non-Foreign Defendants produced to plaintiffs documents and recordings produced in discovery in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y. No. 13-cv-7789) (“FOREX”), as well as transactional data for spot FX Instrument transactions with entities identified as retail foreign exchange dealers (“RFEDs”) by plaintiffs in November 21, 2018 correspondence. Non-Foreign Defendants also produced transactional data for spot FX Instrument transactions with additional entities plaintiffs identified as RFEDs in correspondence dated December 21, 2018.

In light of the Court’s denial of the joint Rule 12(b)(2) motion to dismiss as to Foreign Defendants Barclays Bank PLC; BNP Paribas Group; HSBC Bank plc; Standard Chartered Bank; and UBS AG, Plaintiffs propose that the Court direct those defendants to produce to Plaintiffs within 30 days documents and recordings produced in discovery in *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y. No. 13-cv-7789) (“FOREX”), as well as transactional data for spot FX Instrument transactions with entities identified as retail foreign exchange dealers (“RFEDs”) by plaintiffs in correspondence dates November 21, 2018 and December 21, 2018, consistent with the obligations on the Non-Foreign Defendants. (See ECF No. 258(8)(b).) Foreign Defendants Barclays Bank PLC; BNP Paribas Group; HSBC Bank plc; Standard Chartered Bank; and UBS AG do not object to this request.

Application GRANTED. Foreign Defendants Barclays Bank PLC, BNP Paribas Group, HSBC Bank plc, Standard Chartered Bank and UBS AG shall produce to Plaintiffs the above-referenced documents, recordings and data no later than June 20, 2019.

Dated: May 21, 2019
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE